



RESOLUTION

AUTHORIZING THE DIRECTOR OF THE DEPARTMENT OF ENVIRONMENTAL SERVICES, CITY AND COUNTY OF HONOLULU, OR HIS DESIGNATED REPRESENTATIVE, TO ENTER INTO AN AMENDMENT TO AN INTERGOVERNMENTAL AGREEMENT WITH THE UNIVERSITY OF HAWAII TO IMPLEMENT BENTHIC MONITORING TO ASSESS THE IMPACT OF OCEAN SEWER OUTFALLS ON THE MARINE ENVIRONMENT OFF OAHU, HAWAII.

WHEREAS, Chapter 1, Article 8, Revised Ordinances of Honolulu 1990, as amended, requires that any intergovernmental agreement or any amendments thereto which places an obligation upon the City or any department or agency thereof receive the consent and approval of the Council of the City and County of Honolulu; and

WHEREAS, the City and County of Honolulu is required to comply with state and federal requirements pursuant to the Clean Water Act and the 301(h) NPDES permits issued by the United States Environmental Protection Agency and the State of Hawaii, Department of Health authorizing discharges at the Sand Island and Honouliuli Wastewater Treatment Plant ocean outfalls by conducting biological monitoring to determine the impact of the outfall discharges on the marine environment; and

WHEREAS, the City and County of Honolulu is required to comply with its conditional use permit issued by the State of Hawaii, Department of Land and Natural Resources, for the Waianae Ocean Outfall; and

WHEREAS, with the prior consent and approval of the City Council, the City and the University of Hawaii, Water Resource Research Center (UH-WRRC) previously entered into an intergovernmental agreement, Contract No. C64087, an Amendment No. 1, an Amendment No. 2, an Amendment No. 3, and an Amendment No. 4 to said agreement, for the UH-WRRC to conduct the required monitoring; and

WHEREAS, the City and the UH-WRRC now propose to further amend said agreement to extend the scope of work one and one-half fiscal year; now therefore,

BE IT RESOLVED by the Council of the City and County of Honolulu that the Director of the Department of Environmental Services, or his designee, is hereby authorized to execute the amendment to the intergovernmental agreement with the University of Hawaii in substantially the form attached hereto as Exhibit A, and by reference made a part of this Resolution, for the implementation of Benthic Monitoring to assess the impact of ocean sewer outfalls on the marine environment off Oahu, Hawaii, as well as execute any other incidental or related agreements and documents in connection thereto as may reasonably be required so long as such agreements and documents do not incur additional obligations on the part of the City; and



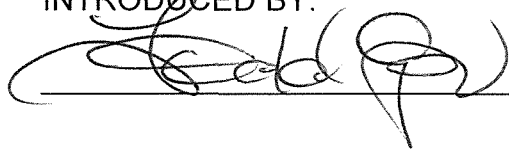
CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

No. 10-93

RESOLUTION

BE IT FINALLY RESOLVED that the Clerk be and is hereby directed to transmit a copy of this Resolution to the Director of the Department of Environmental Services and the University of Hawaii Water Resources Research Center.

INTRODUCED BY:


_____ (br)

DATE OF INTRODUCTION:

APR 12 2010

Honolulu, Hawaii

Councilmembers

EXHIBIT A

DRAFT

CONTRACT NO. C64087

AMENDMENT NO. 5

THIS AMENDMENT NO. 5, is made and entered into this _____ day of _____, _____, by and between the CITY AND COUNTY OF HONOLULU, hereinafter called the "CITY", and UNIVERSITY OF HAWAII, hereinafter called the "CONTRACTOR".
(Month) (Year) (Day)

WITNESSETH THAT:

WHEREAS, the parties hereto have entered into an agreement identified as Contract No. C64087, dated January 25, 2007, as amended by Amendment No. 1 dated June 28, 2007, Amendment No. 2 dated November 26, 2008, Amendment No. 3 dated June 30, 2009, and Amendment No. 4 dated December 8, 2009 (hereinafter, collectively referred to as the "CONTRACT"), for the CONTRACTOR to conduct biological monitoring studies in the vicinity of the CITY's ocean outfalls; and

WHEREAS, the parties wish to amend the CONTRACT in order to expand the scope of work and extend the study period; and

WHEREAS, the CONTRACTOR is qualified, ready, willing and able to provide the additional technical and professional services; and

WHEREAS, there is no CITY agency or personnel who can perform the work under the terms and conditions contained herein;

NOW, THEREFORE, in consideration of the mutual promises hereinafter set forth, it is hereby understood and agreed by and between the parties hereto to further amend the Contract as follows:

1. Delete Item 2 of the CONTRACT in its entirety and insert the following in lieu thereof:

“That, for the FY 2007 portion of the CONTRACT (January 1, 2007 through June 30, 2007) the CITY shall pay the CONTRACTOR \$393,063, and for the FY 2008 portion of the CONTRACT (July 1, 2007 through June 30, 2008), the City shall pay the CONTRACTOR \$448,983, and for the FY 2009 portion of the CONTRACT (July 1, 2008 through June 30, 2009), the City shall pay the CONTRACTOR \$561,814, and for the FY 2010 portion of the CONTRACT (July 1, 2009 through June 30, 2010), the City shall pay the CONTRACTOR \$462,920, and for the FY 2011 portion of the CONTRACT (July 1, 2010 through June 30, 2011), the City shall pay the CONTRACTOR \$467,570, and for the FY 2012 portion of the CONTRACT (July 1, 2011 through December 31, 2011), the City shall pay the CONTRACTOR \$144,581 to conduct biological monitoring in the vicinity of the outfalls as indicated in Appendix A of the CONTRACT, subject to the Special Provisions and General Terms and Conditions.”

1. Delete Item 4 of the CONTRACT in its entirety and insert the following in lieu thereof :

"COMPENSATION AND PAYMENT SCHEDULE. Subject to the General Terms and Conditions, the CONTRACTOR shall be compensated according to Item 2 of the CONTRACT. Payment for the FY 2007 portion of the CONTRACT shall be made in two (2) equal installments, payment for the FY 2008 portion of the CONTRACT shall be made in four (4) equal installments, and payment for the FY 2009 portion of the CONTRACT shall be made in four (4) equal installments, and payment for the FY 2010 portion of the CONTRACT shall be made in four (4) equal installments, and payment for the FY 2011 portion of the CONTRACT shall be made in four (4) equal installments, and payment for the FY 2012 portion of the CONTRACT shall be made in two (2) equal installments. The CONTRACTOR may propose subsequent compensation, which is subject to appropriation and approval by the CITY. Acceptance of subsequent compensation will be authorized by amendments to the CONTRACT."

It is further agreed that, except for amendments set forth hereinabove, all other provisions of CONTRACT NO. C64087, as previously amended, shall remain in full force and effect.

In the event of any conflict or inconsistency between the provision of this Amendment No. 5 and any provisions of the CONTRACT, the provision of this Amendment No. 5 shall govern in all aspects.

IN WITNESS WHEREOF, the parties hereto have executed this Amendment No. 5 as of the day, month and year first above written.

CITY AND COUNTY OF HONOLULU

APPROVAL RECOMMENDED:

By: Director of Budget and Fiscal
Services

By: Timothy E. Steinberger, P.E.
Director, Department of Environmental
Services

UNIVERSITY OF HAWAII

APPROVED AS TO FORM AND LEGALITY:

CONTRACTS OFFICE
Federal I.D. No.99-6000354

Deputy Corporation Counsel

Yaa-yin Fong
Director, Office of Research Services

Business address:
2530 Dole St. Sak D200
Honolulu, HI 96822

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII
C E R T I F I C A T E

RESOLUTION 10-93

Introduced: 04/12/10 By: TODD APO (BR)

Committee: PUBLIC
INFRASTRUCTURE

Title: RESOLUTION AUTHORIZING THE DIRECTOR OF THE DEPARTMENT OF ENVIRONMENTAL SERVICES, CITY AND COUNTY OF HONOLULU, OR HIS DESIGNATED REPRESENTATIVE, TO ENTER INTO AN AMENDMENT TO AN INTERGOVERNMENTAL AGREEMENT WITH THE UNIVERSITY OF HAWAII TO IMPLEMENT BENTHIC MONITORING TO ASSESS THE IMPACT OF OCEAN SEWER OUTFALLS ON THE MARINE ENVIRONMENT OFF OAHU, HAWAII.

Links: [RES10-93](#)
[CR-116](#)

PUBLIC INFRASTRUCTURE	05/04/10	CR-116 – RESOLUTION REPORTED OUT OF COMMITTEE FOR ADOPTION.			
COUNCIL	05/12/10	CR-116 AND RESOLUTION 10-93 WERE ADOPTED.			
ANDERSON	Y	APO	Y	CACHOLA	Y
DELA CRUZ	Y	DJOU	Y		
GARCIA	Y	KOBAYASHI	Y	OKINO	Y
TAM	A				

I hereby certify that the above is a true record of action by the Council of the City and County of Honolulu on this RESOLUTION.


BERNICE K. N. MAU, CITY CLERK


TODD K. APO, CHAIR AND PRESIDING OFFICER